

Notice of Allowability

Application No.

10/758,600

Examiner

Karen E. Toth

Applicant(s)

HASHIMOTO ET AL.

Art Unit

3735

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the request for continued examination filed 29 January 2007.
2. ☒ The allowed claim(s) is/are 1-13.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

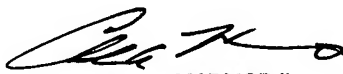
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


CHARLES A. MARMOR II
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see remarks and request for continued examination, filed 29 January 2006, with respect to claims 1-13 have been fully considered and are persuasive. The rejection of claims 1-13 has been withdrawn.

Allowable Subject Matter

2. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to anticipate or make obvious the subject matter of claims 1-13, including, *inter-alia*, a pulse wave measuring apparatus comprising a pressure-sensitive sensor unit and a fixing stand having a band for pressing the sensor unit against an organism and a tensioning unit to automatically pull the band with a predetermined force.

O'Sullivan (US Patent 5494043) discloses a pulse wave measuring apparatus comprising a sensor unit (element 10) having a pressure sensitive portion (element 12) and a device for fixing a living organism (element 50). The device includes a fixing stand (element 50) and a band for connecting the fixing stand and the sensor unit and fixing the organism to the stand (element 52), where pressing the sensor unit against the organism activates the unit (column 8, lines 21-29) – the strap holds the sensor unit in place so that it may be activated (that is, the pressure bubble inflates). The pressure sensitive portion is pressed against the living organism to measure the pulse while the

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organism is fixed by the fixing device (column 3, lines 28-39; column 8, lines 27-33).

The fastening band has two portions, each with one end on the sensor unit and the other on the fixing stand (figure 5). O'Sullivan'043 does not disclose one of the fastening band portions being removably mounted on the fixing stand, or the stand including a tensioning part for automatically pulling the other end of a band portion with a predetermined force.

Chesney (US Patent 6544188) teaches a device for measuring a pulse signal comprising a sensor unit (element 200) and a fixing device (element 110). The fixing device includes a fixing stand (element 112) with bands that are used to fix the organism to the stand (elements 114 and 117); the bands are fixed at one end (figure 1A) and removably connected at the other (column 6, lines 43-46) so that the organism's limb may be easily inserted without having to maneuver between straps. The bands may be tightened by a user pulling with any desired force (column 6, lines 43-56), in order to ensure an accurate fit upon the organism. Chesney does not disclose a part for automatically pulling the band.

Ogura (US Patent 5595180) discloses a device for automatically tightening a blood pressure occlusion cuff; Ogura (US Patent Application Publication 2002/0120199) also discloses a device having a motor to automatically tighten a belt for measurement of blood pressure. However, neither discloses a device for automatically tightening a tensioning band to apply a predetermined hold-down pressure, as claimed.

Conclusion

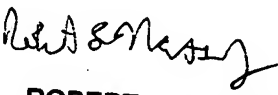
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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen E. Toth whose telephone number is 571-272-6824. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor, II can be reached on 571-272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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ROBERT L. NASSER
PRIMARY EXAMINER